

HCS HBs 1213 & 1214 -- FOURTH AMENDMENT AFFIRMATION ACT

SPONSOR: Dogan

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention and Public Safety by a vote of 6 to 1.

Currently, there is certain specified information a peace officer is required to report to his or her agency of employment every time he or she stops a driver of a motor vehicle, and each law enforcement agency is required to compile the data and report it to the Attorney General. The Attorney General is required to submit a report to the Governor, the General Assembly, and each law enforcement agency after analyzing such information. This bill adds to the Attorney General's report the requirement that it contain an explanation of what disproportions were identified and how such disproportions could be accounted for by alternative legitimate factors.

The bill specifies that every member of a law enforcement agency in Missouri, including civilian employees and parties contracted by the law enforcement agency is prohibited from engaging in unlawful policing, and each law enforcement agency shall promulgate internal policies to control unlawful policing. Such internal policies are required to contain certain information specified in the bill.

This bill requires every law enforcement agency in Missouri to adopt a policy prohibiting unlawful policing that provides for appropriate counseling and training for any peace officer found to have engaged in unlawful policing.

The bill also specifies what a peace officer must report each time he or she stops a driver of a motor vehicle or completes a pedestrian stop, what each law enforcement agency shall do with the data it receives from its peace officers, and what the Attorney General shall do with the data received from each law enforcement agency, as well as what the Attorney General shall require of law enforcement agencies that report significant disproportions.

The bill specifies that each law enforcement agency with more than 50 peace officers shall create a community partnership and comply with requirements specified in the bill. If a law enforcement agency fails to comply with the requirements for three consecutive years, the Attorney General shall order the jurisdiction or governing body the law enforcement agency serves to forfeit 10% of its annual general operating revenue received from fines, bond forfeitures, and court costs for traffic violations. The penalty shall continue until such time as the requirements are met.

The bill specifies that all law enforcement agency training shall be in accordance with Police Officer Standards and Training (POST) commission standards, and it specifies that POST shall develop and disseminate guidelines and training for peace officers.

PROPOSERS: Supporters say that the bill goes deeper to affirm what the Fourth Amendment protections already are. Policies of law enforcement agencies against biased policing are outdated. A form to check items off should not be overly burdensome for law enforcement officers, and, if they are doing the right thing, they should not have any issue confirming the legitimacy of their actions. The bill provides checks and balances.

Testifying for the bill were Representative Dogan; Perri Johnson; Marco A. Tapia; American Civil Liberties Union (ACLU); Missouri; Don Love, Empower Missouri; Clark W. Brown, SEUI (Service Employees International Union) Missouri/Kansas State Council; and Nimrod Chapel Jr., Missouri State NAACP.

OPPONENTS: Those who oppose the bill say that this deals with an intricate public issue. There is no magical tool to correct such an issue, and what is being proposed today legislates behavior that is already illegal. It will not make the "bad officers" follow the rules. The concept is good, but how the particular legislation is proposed is not.

Testifying against the bill was Kevin Merritt, Missouri Sheriffs Association.